

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on August 25, 2005. An RCE (Request for Continued Examination) is being filed with this Amendment. Claims 1-11 and 13-27 are pending and subject to examination.

An interview occurred between the undersigned and the Examiner on January 26, 2006. The undersigned sincerely and earnestly appreciates the Examiner's careful consideration of the arguments made by the undersigned during the interview.

I. 35 U.S.C. 112, second paragraph

In the Office Action, claims 12 and 16 are rejected as being indefinite. According to the Examiner, the phrase "and the like" is indefinite.

Applicant disagrees, but has canceled the phrase "and the like" from claim 12. Withdrawal of the rejection is requested.

II. 35 U.S.C. 103

Claims 1-16 are rejected as being obvious in view of Luce (U.S. Patent No. 1,359,461). Luce discloses a "leather case" (page 1, l. 23) with two handles 5, 6. Handle member 6 is formed by sewing (page 1, l. 53). This suggest that the handle member 6 is formed from a non-rigid material like cloth or leather.

Applicant traverses the rejection over Luce and submits that the obviousness rejection is improper. However, to expedite the prosecution of the application, Applicant has amended the independent claims as proposed during the interview with the Examiner.

As explained during the interview, Luce does not teach or suggest the first and second rigid portions forming a handle as recited in, e.g., independent claim 1, or first and second carrying case engagement portions that pivot with respect to a carrying case. As explained during the interview and as apparent from the sample shown to the Examiner, a handle

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according to an embodiment of the invention is comfortable to the hand and is ergonomic. It also suitable for expandable carrying cases since the handle can have at least two regions that can pivot. Such features are not disclosed or suggested by Luce. As understood by the undersigned, amending the independent claims to include these features would overcome the rejections based on Luce. Accordingly, claims 1-11, 13-18, and 27 should be allowable in view of Luce.

New independent claims 19 and 23 also recite "pivoting" that occurs at a nesting part and at carrying case engagement portions of a handle. Clearly, this structure is not taught or suggested by Luce. As noted at p. 1, l. 56 of Luce, strap 7 is attached to a case 1 by rivets. In fact, Luce *teaches away* from pivoting handle portions since Luce states that "excessive strains upon case 1 ... would occur if the handles were fastened at the top of the case" (p. 1, l. 85-88). Since Luce teaches away from claims 19 and 23, these claims and any claims dependent thereon are not obvious in view of Luce.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Dated: 2/24/06


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